

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOANNA CASTRO,
PLAINTIFF

V.

ALBERT SALINAS,
DEFENDANT

§
§
§
§
§
§
§

CIVIL NO. 5:18-CV-00312-DAE

AFFIDAVIT OF ALEJANDRO SALINAS

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

Before me, the undersigned notary, on this day personally appeared Alejandro Salinas, a person whose identity is known to me. After being by me duly cautioned to tell the truth, subject to the penalties for perjury, he did affirm and testify as follows:

“My name is Alejandro Salinas. I am over the age of eighteen (18) years, am of sound mind, and am fully capable of making this affidavit. I am personally familiar with facts recited below, which are true and correct.

Currently, I hold the position of Police Officer for the City of Olmos Park Police Department (“OPPD”). I have held the position of Police Officer for OPPD for nine (9) months and have been in law enforcement since 2005. Attached hereto is a true and correct copy of documents reflecting Incident Reports prepared by me detailing my investigation and my findings; and one (1) CD reflecting two video recordings taken with my body camera and my dashboard camera on the evening of February 20, 2018. Of those records, attached hereto is a true and correct copy of eight (8) pages of documents and a compact disc of a digital recording reflecting:

Exhibit B1: Incident Report under Case No. 18-01784 regarding incidents occurring on February 20, 2018;

Exhibit B2: Incident Report under Case No. 18-01785 regarding incidents occurring on February 20, 2018;

Exhibit B3: Supplemental Incident Report under Case No. 18-01785 regarding incidents occurring on February 20, 2018; and

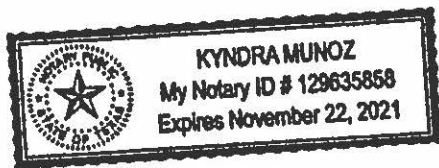
Exhibit B4: Video recording taken by the body camera I used while on shift on February 20, 2018.

I operated the body camera and dashboard camera using a digital recording device, which accurately records and reproduces images, as is consistent with my operation of my police vehicle and body camera while I was on duty on February 20, 2018. The recording attached (Exhibit B4) has been preserved under the City of Olmos Park Police Department's custody and control as required by law and I attest that, based on my personal observations at the time of the accident, the recordings are true and correct recordings of the incident depicted."

Further Affiant sayeth not.


ALEJANDRO SALINAS

SUBSCRIBED AND SWORN TO BEFORE ME on this 4th day of June, 2018, to certify which witness my hand and official seal.




NOTARY PUBLIC, STATE OF TEXAS

Incident Report #1 Continued

Olmos Park Police Department				Incident Classification Trespass License Holder-		attempted <input type="checkbox"/>	Case No. 18-01784
Height 5'11"	Weight 250	Build Stocky	Hair Blond	Eyes Blue	Descriptors		
Driver's License 10562645			State TX	Social Security No. 437-33-6942	Other ID (BCSO SID) 1096870		
Narrative							

(1). On 02/20/2018 at approximately 7:52pm I, Officer A. Salinas #341, was dispatched to the Shell located at 4302 McCullough Avenue in reference to a man with a gun. While in route dispatch advised me the man with the gun was arguing with the store manager and refused to leave the store.

(2). Upon my arrival the man with the gun was detained and identified as Jack Miller. (Jack Miller was yelling and cursing at Officers during this whole incident.) Jack Miller was advised he was being detained. He was handcuffed and his firearm was removed from his person. Dispatch was notified to conduct a wants and warrants on Jack Miller. Jack Miller was then placed in the rear seat of my marked patrol unit. Sergeant Ruiz remained with Jack Miller while I contacted the complainant.

(3). I contacted the complainant and identified him as Aamir Khan, the store manager. Aamir Khan told me Jack Miller began to argue with him. Aamir Khan told me he asked Jack Miller to leave his store, but Jack Miller refused. Aamir Khan told me he began to get nervous because he observed Jack Miller place his hand on the handle of his firearm several times. Aamir Khan told me even though Jack Miller had a shirt over his firearm he felt he could use it on him.

(4). Sgt. Ruiz interviewed Mr. Kahn and provided additional information regarding a second armed subject with a handgun. (See supplement by Sgt. H. Ruiz)

(5). I asked Aamir Khan if he wanted me to issue a criminal trespass notice on Jack Miller and he told me yes. Aamir Khan then filled out the criminal trespass notice. I returned back to my patrol vehicle and dispatch advised Jack Miller did not have any wants or warrants. I transported Jack Miller to the Olmos Park Police Department, where I issued him a criminal trespass notice. Jack Miller refused to sign the criminal trespass notice and advised it was still in effect regardless if he signed it or not.

(6). I removed one handcuff from Jack Millers' wrist because he had removed one cuff by himself with a possible hidden handcuff key. The ammunition was removed from his firearm. His firearm and ammunition was given back to him. I then returned to service.

Supplemental Report #1 Continued

Page 2

Olmos Park Police Department	Incident Classification Trespass License Holder-	attempted <input type="checkbox"/> Case No. 18-01784
------------------------------	--	--

was visible on the subject's right hip.

4. Mr. Khan stated the handgun was clearly visible (also video surveillance available). Mr. Khan stated the store has a conspicuously displayed 30.07 sign posted at the front left entrance clearly visible to the public.
5. Mr. Kahn stated he immediately advised subject he could not be inside the store with the weapon exposed and that he had to leave. Subject covered the weapon but refused to leave and stayed to verbally argue with Mr. Kahn. After about a minute, subject exited the store, went to the outside of the front door, began to read the signs posted and then again came inside the business after he had been told to leave.
6. Mr. Kahn stated at this time he felt very nervous and afraid since subject was bigger in stature than complainant and was armed with a handgun. Subject continued to stay inside the business for approximately 2 more minutes. Subject continued to stay inside the store and then left as he was told by complainant he was on the phone with the police and also as a customer entered the store.
7. On 02/21/2018, I continued with a follow-up investigation. I contacted complainant Mr. Khan. I reviewed the video surveillance from the Shell close circuit TV equipment.
8. As I reviewed the video footage, subject was immediately identified. I have personal knowledge of the subject's identity since he was the focus of a "BOLO" from the City of Universal City Police Department. (see attached "BOLO"). Suspect identified as Todd Delane Ferguson DOB: 03/11/1963.
9. I clearly observed that the suspect was armed with a handgun on his right hip in an openly displayed manner as he enters the store, clearly violating the posted 30.07 sign.
10. Mr. Kahn stated he wanted to file charges for the offense. He signed a handwritten affidavit.

Incident Report #1

Page 1

Olmos Park Police Department						Case No. 18-01785	
Incident Type Offense		Incident Classification #1 Disorderly Conduct		attempted <input type="checkbox"/>		Incident Classification #2 Criminal Trespass/Barring Notice	
				attempted <input type="checkbox"/>			
Responding To				Assignment			
Reported On Date/Time Tue 02/20/2018 21:11		Occurred From Date/Time Tue 02/20/2018 21:11		Occurred To Date/Time Tue 02/20/2018 21:38		Beat of Occurrence North	
District							
Dispatch Time 21:11		Arrived Time 21:27		Cleared Time 21:38		Report Date 02/20/2018	
						Report Time 21:41	
						Estimated Total Property Loss	
Primary Charge 42.01(a)(7)(B) DISORDERLY CONDUCT DISCHARGE/DISPLAY FIREARM							UCR/NIBRS Code
Additional Charges 30.05(a) CRIMINAL TRESPASS							
Location of Incident 4300 McCullough AVE, Olmos Park, TX 78212						Location Name (if applicable)	
Entry Point		Method		Weapon/Tool/Force Used		Security	
						Evidence	
						Type of Premise (For Vehicles State Where Parked)	
Related Case No.'s 18-01784							
Officer Involved B. Schumacher 324							
Suspects							
Code AP-1		Name: Last, First, Middle Miller, Jack Edward		Sex M		Race/Ethnicity W-White/Not Hispanic	
						Date of Birth/Age 06/28/1972 45	
Confidentiality <input type="checkbox"/>		Address: Street, City, State, ZIP 4839 Dick Gordon, San Antonio, TX 78219					Phone
Place of Employment / School/ Address				Occupation unk		Employer Phone	
Charge 42.01(a)(7)(B) DISORDERLY CONDUCT DISCHARGE/DISPLAY FIREARM							
Charge Level Misdemeanor - Class B		UCR Code		NIBRS Code 90C		NCIC Code 5311	
						State Code 0003	
Warrant #		Court		Judge		Bail	
Charge 30.05(a) CRIMINAL TRESPASS							
Charge Level Misdemeanor - Class B		UCR Code		NIBRS Code 90J		NCIC Code 5707	
						State Code 0010	
Warrant #		Court		Judge		Bail	
Citation #		Date		Time		Booking # 18-01785	
						Date 02/20/2018	
						Time 21:11	
Arrest Location 4300 McCullough AVE, Olmos Park, TX 78212				Private Person Arrest <input type="checkbox"/> Yes <input type="checkbox"/> No		Statement <input type="checkbox"/> Oral <input type="checkbox"/> Written	
						Charges <input type="checkbox"/> Admitted <input type="checkbox"/> Denied	
						Suspect Armed With Rifle	
Juv. Parent/Gdn. Notified <input type="checkbox"/> Yes <input type="checkbox"/> No		Name/Relationship of Person Notified		Date & Time Notified		Notified By	
						Disposition of Juvenile/Adult	

I.D. No./Name of Reporting Officer 241 - Salinas, Alejandro		Approval <i>[Signature]</i>		Date/Time		Distribution CID	
RECORDS							

Incident Report #1

Exhibit
B2

03/02/2018 12:29:04.587

Incident Report #1 Continued

Olmos Park Police Department				Incident Classification Disorderly Conduct		attempted <input type="checkbox"/>	Case No. 18-01785
Height 5'09"	Weight 250	Build Stocky	Hair Bald	Eyes Blue	Descriptors		
Driver's License 04702507		State TX	Social Security No.		Other ID		
Victims/Witnesses/Other							
Code C-3	Name: Last, First, Middle			Sex	Race/Ethnicity	Date of Birth/Age	
Confidentiality <input type="checkbox"/>	Address: Street, City, State, ZIP					Phone	
Place of Employment / School/ Address				Occupation unk	Employer Phone		
Additional Phones							
Height	Weight	Build	Hair	Eyes	Descriptors		
Driver's License		State	Social Security No.		Other ID		
C-2							
Code C-2	Name: Last, First, Middle Walker, Theresa			Sex F	Race/Ethnicity W-White/Hispanic Origin	Date of Birth/Age 06/18/1967 50	
Confidentiality <input type="checkbox"/>	Address: Street, City, State, ZIP					Phone	
Place of Employment / School/ Address Shell Gas Station 4302 McCullough, Olmos Prk, TX 78212				Occupation clerk	Employer Phone (210) 930-1118		
Additional Phones (Cell-) (210) 810-6391							
Height	Weight	Build	Hair	Eyes	Descriptors		
Driver's License		State	Social Security No.		Other ID		
C-1							
Code C-1	Name: Last, First, Middle Khan, Aamir			Sex M	Race/Ethnicity U-Unknown	Date of Birth/Age 05/13/1990 27	
Confidentiality <input type="checkbox"/>	Address: Street, City, State, ZIP 8631 Fairhaen ST #10822, San Antonio, TX 78229					Phone	
Place of Employment / School/ Address				Occupation	Employer Phone		
Additional Address 4302 McCullough, Olmos Park, Tx 78212						Address Type Work Address	
Additional Phones (Business-Phone) (210) 930-1118, (Cell-) (210) 763-3171							
Height 5'07"	Weight 160	Build Normal	Hair Brown	Eyes BRO - Brown	Descriptors		
Driver's License		State	Social Security No.		Other ID (Other) IAA1519185-234		
Relation to Suspect Stranger			Victim of Offns. # 30.05(a) CRIMINAL TRESPASS			Ofndr. # AP-1	

Incident Report #1 Continued

Olmos Park Police Department		Incident Classification Disorderly Conduct		attempted <input type="checkbox"/>	Case No. 18-01785
Property					
Item # 2279	Status/Custodial Status/Condition Seized/Evidence/As described by owner		Qty./Cst. Qty./Cnd. Qty. 1/1/1	Units	Total Value
Description Black Handgun with 13 rounds			Item/ Category Firearms		
Brand Taurus	Model PT111 G2	Serial Number TJX15384		Owner Assigned Number	
Caliber 9mm	Barrel Length	Action Semi		Finish Black	
Owner Miller, Jack Edward		Received From		Current Location Evidence Locker	
Property					
Item # 2280	Status/Custodial Status/Condition Seized/Evidence/As described by owner		Qty./Cst. Qty./Cnd. Qty. 1/1/1	Units	Total Value
Description Black Rifle			Item/ Category Firearms		
Brand Stag Arms	Model Stag - 15	Serial Number 209804		Owner Assigned Number	
Caliber .556	Barrel Length	Action Semi		Finish Black	
Owner Miller, Jack Edward		Received From		Current Location Evidence Locker	

(1). On 02/20/2018 at approximately 9:11pm Olmos Park Police Officers were dispatch to the 4300 block of McCullough Avenue in reference to a male with a long rifle. Dispatch advised Olmos Park Police Officers that she had received several calls about the male with a rifle and was continuing to receive more. As Officer B. Schumacher #324, was leaving the police department, a female who later identified as [REDACTED] DOB: [REDACTED], told him in a frantic voice there was man with a rifle on McCullough Avenue across from the Shell. I then asked [REDACTED] if this caused her to fear for her safety and she told me yes, especially because she had her son with her.

(2). Officer B. Schumacher and I then drove to the 4300 block of McCullough Avenue in our marked patrol vehicle with caution. (We approached in a tactical manner and with greater caution, more so than normal, because there was a mass shooting in a restaurant in San Antonio and several persons were injured/killed this weekend and on February 14, 2018 less than a week ago over 16 children were killed in Florida with a person with rifle.)

(3). We exited our marked patrol vehicle with our AR15 patrol rifles. Officer B. Schumacher told the white male who I knew to be **Jack Edward Miller (from previous police encounters and "Use Caution "reports)** to get on the ground. At a previous call this evening (case # 18-01784) 19:52 hours, I responded to a call of a male with a handgun inside the Shell gas station located at 4302 N. McCullough. That male was identified as **Jack Edward Miller**. During the encounter, Mr. Miller was extremely belligerent to police and to the store clerk identified as Aamir Khan. The store clerk stated he was fearing for his safety since he had seen Mr. Miller keep reaching and touching his handgun through his outer clothing.

(4). Mr. Miller was standing in the parking of lot Lin Marche located 4307 McCullough. (**This Is a Olmos Park City**

Incident Report #1 Continued

Page 4

Olmos Park Police Department	Incident Classification Disorderly Conduct	attempted <input type="checkbox"/> Case No. 18-01785
------------------------------	--	--

Ordinance violation Being in or about a public or private building in the nighttime (Sec 24-211). As I approached, a female had something in her hand. As I walked closer to her, I observed it was camera. I told her several times to get back and she complied.

(5). I then placed two pairs of handcuffs on Mr. Miller and double locked them and removed his AR-15 rifle (Stag Arms Serial #209804) and handgun (Taurus Millennium 9mm Serial # TJX15384). I checked the AR-15 and it was unloaded. The Taurus handgun had a loaded magazine with 12 live rounds (Hornady Luger 9mm) and one chambered round.

(6). Officer Schumacher placed Mr. Miller in the rear seat of my marked patrol and I secured his AR-15 rifle and Taurus handgun in the front seat of my marked patrol vehicle. I then transported Mr. Miller to the Olmos Park Police Department, where he was advised he was under arrest for Disorderly Conduct-Weapon and placed in a holding cell. Mr. Miller calculated and planned or contrived so as to accomplish a purpose or to achieve an effect. This was evident because Alamos Heights dispatch received numerous 911 calls regarding this male with a rifle in a public area. Also a private citizen [REDACTED] in no relation to Miller, stopped to report she was in fear for her safety as well as her child's safety when she saw this individual standing outside with a rifle.

(7). Olmos Police Officers were then dispatched to the Shell located at 4302 McCullough. Upon my arrival I observed Mr. Khan, the store clerk having a panic attack. Mr. Khan stated Mr. Miller was standing across the street with a rifle in front of him and was continuously looking at him. Mr. Kahn stated he feared for his life so he called the police. Mr. Khan even closed his store early and had to be driven home because, of nervousness. While conducting my investigation I learned Mr. Khan told Sgt. Investigator Ruiz that he told Mr. Miller to leave his store several times, when he observed Mr. Miller grabbing and touching his gun through his outer clothes. This gesture made Mr. Khan very nervous and fearful for life. **Mr. Miller became very belligerent and would not leave even after he was told several times.** Mr. Miller finally left the store when he observed a police vehicle drive up. (Case #18-01784).

(8). Mr. Miller's weapons were logged into evidence and secured in evidence locker #3. Handgun was logged under log #2279 and rifle log # 2280. While in the cell, Mr. Miller stated he needed medical attention because his blood sugar was high.

(9). Alamo Heights EMS arrived a short time later and treated him. Jack Edward Miller was later transported to Metropolitan Methodist Emergency where he was treated and released. Mr. Miller was later transported to the Magistrates Office located 401 S. Frio Street and booked on the following charges:

**** (1) Disorderly Conduct— Weapon Texas Penal Code 42.01 Class "B" Misdemeanor**

(A). person commits an offense if he intentionally or knowingly:

(8). Displays a firearm or other deadly weapon in a public place in a manner calculated to alarm

**** (2). Criminal Trespass - Property Texas Penal Code 30.05 Class "B" Misdemeanor**

Incident Report #1 Continued

Page 5

Olmos Park Police Department	Incident Classification Disorderly Conduct	attempted <input type="checkbox"/> Case No. 18-01785
------------------------------	--	--

hen returned to service.

I was wearing body camera #1 and I was driving patrol unit #903.

Supplemental Report #3

Page 1

Olmos Park Police Department				Case No. 18-01785	
Report Purpose		Reported On Date Tue 02/20/2018	Time 21:11	Incident Classification Disorderly Conduct	
Dispatch Time 21:11		Arrived Time 21:27	Cleared Time 21:38	Report Date 04/23/2018	Report Time 11:26
Primary Charge 42.01(a)(7)(8) DISORDERLY CONDUCT DISCHARGE/DISPLAY FIREARM					UCR/NIBRS Code
Additional Charges 30.05(a) CRIMINAL TRESPASS, 38.15(b) INTERFER W/PUBLIC DUTIES					Estimated Total Property Loss
Narrative					

On 04/23/2018 at approximately 11:23am I, Officer A. Salinas observed an error on my report. On paragraph #4, the last sentence should have read "I told her several times to get back and she **did not comply**." I instead of reading "**she complied**."

**Exhibit
B3**

I.D. No./Name of Reporting Officer #341 - Salinas, Alejandro		Approval	Date/Time	Distribution
RECORDS		DISTRIBUTION DATE _____ BY _____		Supervisor

THE VIDEO AND AUDIO RECORDINGS WILL BE MAILED UNDER SEPARATE COVER

